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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

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Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,[1] and recalling the International Covenants on Human Rights[2] and other relevant human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Reaffirming also its previous resolutions on the situation of human rights in Myanmar, the most recent of which is resolution 61/232 of 22 December 2006, those of the Commission on Human Rights and resolution S-5/1 of 2 October 2007,[3] adopted by the Human Rights Council at its fifth special session,

Welcoming the presidential statement issued by the Security Council on 11 October 2007,[4]

Recalling that everyone has the right to take part in the government of their country, directly or through freely chosen representatives, the right to freedom of

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] See A/HRC/S-5/L.1/Rev.1.
[4] S/PRST/2007/37.

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opinion and expression and the right to freedom of peaceful assembly and association,

Deeply concerned at the situation of human rights in Myanmar, and in particular at the recent violent repression of peaceful demonstrations, including through beatings, killings, arbitrary detentions and enforced disappearances,

1. *Strongly condemns* the use of violence against peaceful demonstrators who were exercising their rights to freedom of opinion and expression and to peaceful assembly and association, and expresses condolences to the victims and their families;

2. *Expresses grave concern* at:

(a) The ongoing systematic violations of human rights and fundamental freedoms, including civil, political, economic, social and cultural rights, of the people of Myanmar, as described in resolution 61/233 and in previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council;

(b) The arbitrary detentions, including the use of physical violence, in response to peaceful protests, the extension, once again, of the house arrest of the General Secretary of the National League for Democracy, Aung San Suu Kyi, as well as the continuing high number of political prisoners, including other political leaders, persons belonging to ethnic nationalities and human rights defenders;

(c) The major and repeated violations of international humanitarian law committed against civilians, as denounced by the International Committee of the Red Cross in June 2007;

(d) The discrimination and violations suffered by persons belonging to ethnic nationalities of Myanmar, particularly in border and conflict areas, and attacks by military forces and non-State armed groups on villages in Karen State and other ethnic States in Myanmar, leading to extensive forced displacements and serious violations and other abuses of the human rights of the affected populations;

(e) The absence of effective and genuine participation of the representatives of the National League for Democracy and other political parties and some ethnic nationality groups in the National Convention and the slow pace of the democratic reform;

(f) The fact that the Special Rapporteur on the situation of human rights in Myanmar was unable to visit the country for almost four years, despite repeated requests;

(g) The continuous deterioration of the living conditions and the increase of poverty affecting a significant part of the population throughout the country, with serious consequences for the enjoyment of their economic, social and cultural rights;

3. *Welcomes*:

(a) The reports of the Special Rapporteur on the situation of human rights in Myanmar[5] and his oral presentations, as well as the agreement by the Government of Myanmar to his visit in November 2007;

[5] A/HRC/4/14 and A/62/223.

(b) The report of the Secretary-General[6] and his designation of a Special Adviser to continue to pursue his mandate of good offices, and affirms its full support for his mission;

(c) The visit of the Special Adviser to Myanmar in October 2007 and the invitation to return extended to him by the Government of Myanmar;

(d) The conclusion between the International Labour Organization and the Government of Myanmar of an understanding designed to provide a mechanism to enable victims of forced labour to seek redress;

(e) The visits to Myanmar of the Special Representative of the Secretary-General for Children and Armed Conflict and the Assistant Secretary-General and Deputy Emergency Relief Coordinator at the invitation of the Government of Myanmar, and the implementation of some of the measures agreed during those visits;

(f) The progress reported on the work conducted by the Government and international humanitarian entities on HIV/AIDS and avian influenza;

(g) The leading regional role of the Association of Southeast Asian Nations and of neighbouring countries in encouraging the Government of Myanmar to hasten democratic reforms with respect for human rights and the continuing efforts of the Association and of neighbouring countries towards the adoption of a human rights-based charter and a genuine human rights mechanism;

4. *Strongly calls upon* the Government of Myanmar:

(a) To ensure full respect for all human rights and fundamental freedoms, to end restrictions on those freedoms that are incompatible with the Government's obligations under international human rights law, to protect its inhabitants and to investigate and bring to justice perpetrators of violations of human rights;

(b) To give serious consideration to the recommendations and proposals put forward by the Special Adviser to the Secretary-General during his visit to Myanmar in October 2007 and to fully implement the previous recommendations of the Special Rapporteur, the Special Adviser of the Secretary-General, the General Assembly, the Human Rights Council, the Commission on Human Rights, the International Labour Organization and other United Nations bodies;

(c) To exercise utmost restraint and to desist from further arrests and violence against peaceful protesters and to release without delay those who have been arbitrarily arrested and detained, as well as all political prisoners, immediately and unconditionally, including the leaders of the National League for Democracy, Aung San Suu Kyi and Tin Oo, the leader of the Shan Nationalities League for Democracy, Khun Htun Oo, and other Shan leaders, and the "88 Generation" students' group leaders Min Ko Naing and Ko Ko Gyi;

(d) To lift all restraints on the peaceful political activity of all persons by, inter alia, guaranteeing freedom of peaceful assembly and association and freedom of opinion and expression, including for free and independent media, and to ensure unhindered access to media information for the people of Myanmar;

[6] A/62/498.

(e) To cooperate fully with the Special Rapporteur, including by granting him full, free and unimpeded access in his upcoming visit to Myanmar, to monitor the implementation of Human Rights Council resolution S-5/1[3] and to ensure that no person cooperating with the Special Rapporteur or any international organization is subjected to any form of intimidation, harassment or punishment;

(f) To ensure immediately safe and unhindered access to all parts of Myanmar, including conflict and border areas, for the United Nations, international humanitarian organizations and their partners and to cooperate fully with those organizations in order to ensure that humanitarian assistance is delivered to all persons in need throughout the country;

(g) To put an immediate end to the continuing recruitment and use of child soldiers, in violation of international law, by all parties, to intensify measures to ensure the protection of children from armed conflict and to pursue its collaboration with the Special Representative of the Secretary-General on Children and Armed Conflict;

(h) To take urgent measures to put an end to the military operations targeting civilians in the ethnic areas, and to the associated violations of human rights and humanitarian law against persons belonging to ethnic nationalities, to end the systematic forced displacement of large numbers of persons and other causes of refugee flows to neighbouring countries and to respect existing ceasefire agreements;

5. *Calls upon* the Government of Myanmar:

(a) To permit all political representatives and representatives of ethnic nationalities to participate fully in the political transition process without restrictions and, to that end, to resume, without further delay, a dialogue with all political actors, including the National League for Democracy and representatives of ethnic nationalities;

(b) To pursue, through dialogue and peaceful means, the immediate suspension and permanent end of conflict with all ethnic nationalities in Myanmar and to allow the full participation of representatives of all political parties and representatives of ethnic nationalities in an inclusive and credible process of national reconciliation, democratization and the establishment of the rule of law;

(c) To fulfil its obligations to restore the independence of the judiciary and due process of law, and to take further steps to reform the system of administration of justice, as well as to ensure that discipline in prisons does not amount to torture or cruel, inhuman or degrading treatment or punishment and that conditions of detention otherwise meet international standards;

(d) To cooperate fully with the Special Adviser to the Secretary-General in the fulfilment of his good offices, by agreeing to his visits to the country, allowing him unrestricted access to all relevant parties, including detained activists, ethnic minority representatives, student leaders and dissident monks, and by engaging with him in finding a peaceful solution aiming at achieving effective progress towards the restoration of democracy and the protection of human rights in Myanmar;

(e) To engage in a dialogue with the Office of the United Nations High Commissioner for Human Rights with a view to ensuring full respect for all human rights and fundamental freedoms;

(f) To continue its efforts with the International Labour Organization towards the effective implementation of the national mechanism established to receive complaints of forced labour;

(g) To allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

(h) To refrain from imposing restrictions on access to and flow of information from the people of Myanmar, including through the openly available and accessible use of Internet and mobile phone services;

(i) To allow the International Committee of the Red Cross to carry out its humanitarian activities for people in need, in particular by granting immediate access to persons detained and by providing the necessary information on persons unaccounted for in relation with recent events;

6. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights and the restoration of democracy with the Government and the people of Myanmar, including all relevant parties to the national reconciliation process in Myanmar, and to offer technical assistance to the Government in this regard;

(b) To closely monitor the developments with regard to the violent incidents that took place with the aim of preventing the resumption of violence;

(c) To give all necessary assistance to enable the Special Adviser and the Special Rapporteur to discharge their mandates fully and effectively and in a coordinated manner;

(d) To report to the General Assembly at its sixty-third session on the progress made in the implementation of the present resolution;

7. *Decides* to continue the consideration of the question at its sixty-third session, on the basis of the report of the Secretary-General and the interim report of the Special Rapporteur.